



## JUDICIAL INVESTIGATION COMMISSION

Post Office Box 1629  
Charleston, West Virginia 25326-1629  
(304) 558-0169 • FAX (304) 558-0831

August 19, 2005

Re: JIC Advisory Opinion 2005-17

Dear :

In a recent letter to the Commission you asked for an advisory opinion. In your correspondence you stated that your brother, , had become an agent for National Bonding, out of , West Virginia, which among others does bonding business in

County. You stated that in your position as magistrate you do not recommend any bonding agents. If anyone asks you, you hand them a sheet of paper you have drawn up listing the bonding agents for them to choose on their own. You do not receive any monetary value from your brother's employment with the bonding agency. You asked whether your brother could do bonding business in your court.

To address the question which you have raised, the Commission has reviewed Canon 1 and Canon 2A of the Code of Judicial Conduct. Canon 1 states:

*Canon 1. A judge shall upon the integrity and independence of the judiciary.*

*A. An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing high standards of conduct, and shall personally observe those standards so that the integrity and independence of the judiciary will be preserved. The provisions of this Code are to be construed and applied to further that objective.*

*Canon 2. A judge shall avoid impropriety and the appearance of impropriety in all the judge's activities.*

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*A. judge shall respect and comply with the law, shall avoid impropriety and the appearance of impropriety in all of the judge's activities, and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.*

Notwithstanding the procedures which you follow when someone asks for a bonding agent, the Commission felt that you should not permit your brother to do any bonding business in your court. Despite your best efforts to remain neutral in providing bonding information, your brother doing business could lead to difficulties or allegations against you at a future time.

It is hoped that this opinion fully addresses the question which you have raised. If there is any further question regarding this matter do not hesitate to contact the Commission.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Fred L. Fox, II", with a stylized flourish at the end.

Fred L. Fox, II, Chairperson  
Judicial Investigation Commission

FLF,II:nb